

No. 11-55016

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TARLA MAKAEFF, Individually and on Behalf of All Others Similarly Situated,

Plaintiff-Counter-Defendant-Appellant,

vs.

TRUMP UNIVERSITY, LLC,

Defendant-Counter-Claimant-Appellee.

Appeal from the United States District Court
for the Southern District of California
No. 3:10-cv-00940-IEG(WVG)
The Honorable Irma E. Gonzalez

UNOPPOSED MOTION FOR EXTENSION OF TIME IN WHICH TO FILE
DEFENDANT-APPELLEE'S ANSWERING BRIEF

JILL A. MARTIN (245626)
c/o TRUMP NATIONAL GOLF CLUB
One Ocean Trails Drive
Rancho Palos Verdes, CA 90275
Telephone: (310) 303-3225
Facsimile: (310) 265-5522

Attorney for Defendant-Counter-Claimant-Appellee

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1, appellee Trump University, LLC (named changed to “The Trump Entrepreneur Initiative LLC” pursuant to the Certificate of Amendment of the Articles of Organization filed on May 21, 2010) (“Trump University”) makes the following corporate disclosure statement: No publicly held company owns more than 10% of Trump University’s stock. DJT Entrepreneur Member LLC holds a controlling interest in Trump University.

DATED: JUNE 3, 2011

Respectfully submitted,

s/JILL A. MARTIN

JILL A. MARTIN

Attorney for Defendant-Counter-Claimant-
Appellee Trump University, LLC

c/o Trump National Golf Club
One Ocean Trails Drive
Rancho Palos Verdes, CA 90275
Tel: (310) 303-3225
Fax: (310) 265-5522
Email: jmartin@trumpnational.com

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE ANSWERING BRIEF

Appellee's answering brief in this matter is presently due on June 27, 2011. No extension of time to file the answering brief has previously been sought or granted. Pursuant to Federal Rules of Appellate Procedure 26(b) and Circuit Rule 31-2.2(b), and for the reasons set forth below, appellee Trump University, LLC ("Trump University") now respectfully moves this Court for an order extending the time in which to file its answering brief until August 15, 2011, which constitutes an extension of forty-nine days.

The motion is based on the accompanying Declaration of Jill A. Martin in Support of Appellee's Motion for Extension of Time in which to File Answering Brief. As detailed in that declaration, Trump University presents this motion because other commitments have made it impossible for the attorney primarily responsible for preparing Trump University's answering brief to complete an adequate answering brief by June 27, 2011. Counsel's other commitments include a scheduled appearance at a trial in Florida during the week of June 13-17, a mediation in Chicago potentially on or before June 27, 2011, commitments on several cases pending in the Superior Court of California, County of Los Angeles, where counsel is attorney of record, and responsibilities as primary in-house counsel for all employment matters for Trump entities and all legal matters arising at Trump Golf properties. Thus, a 49-day extension of the due date for the

answering brief, to August 15, 2011, is reasonable and necessary to permit counsel to file an adequate answering brief.

In accordance with Circuit Rule 31-2.2(b)(5), Trump University represents that it has, through its counsel, exercised diligence and will file the answering brief within the time requested. On June 2, 2011, counsel for Trump University, Jill A. Martin, contacted counsel for plaintiff-appellant Tarla Makaeff, Eric Alan Isaacson, by telephone and notified him of Trump University's intent to file this motion. Mr. Isaacson indicated that plaintiff-appellant would not oppose this motion.

For the reasons set forth in the attached declaration, Trump University respectfully requests that this Court enter an order extending the due date for filing the answering brief until August 15, 2011.

DATED: JUNE 3, 2011

Respectfully submitted,

s/JILL A. MARTIN
JILL A. MARTIN
Attorney for Defendant-Counter-Claimant-
Appellee Trump University, LLC

**DECLARATION OF JILL A. MARTIN IN SUPPORT OF DEFENDANT-
APPELLEE'S MOTION FOR EXTENSION OF TIME IN WHICH TO FILE
ANSWERING BRIEF**

I, Jill A. Martin, declare that:

1. I am an attorney admitted to practice in the State of California and before the United States Court of Appeals for the Ninth Circuit. I am counsel of record for the appellee in this action, Trump University, LLC, ("Trump University") and am the attorney primarily responsible for briefing the answering brief on behalf of Trump University.

2. The answering brief was originally due on May 13, 2011. On April 1, 2011, appellant filed a motion for extension of time to file an opening brief. Pursuant to Court Order dated April 4, 2011, the Court granted appellant's motion for an extension of time in which to file an opening brief. Pursuant to the Order, the opening brief was due May 26, 2011. The time to file the answering brief was accordingly extended to June 27, 2011.

3. Trump University has not previously sought or been granted an extension of time to file an answering brief.

4. Trump University respectfully moves this Court for an order extending the time for it to file its answering brief to August 15, 2011, which would constitute an extension of forty-nine days.

5. Trump University seeks a forty-nine day extension of time because other commitments have made it impossible for me to file an adequate answering brief by June 27, 2011.

6. As Assistant General Counsel, I am responsible for handling five cases in the Superior Court of California, County of Los Angeles, as attorney of record. I am also responsible for handling all legal matters for eight Trump Golf Clubs as well as all employment matters for Trump entities. These responsibilities require a substantial amount of my time.

7. As part of my responsibilities, I will be attending a trial in Florida during the week of June 13 through June 17, 2011, as the client representative.

8. My attendance is also required at mediation in Chicago on another matter that is currently being scheduled for a date in late June or early July 2011.

9. Although I am the attorney primarily responsible for defending the appeal in this matter, I did not appear in the district court proceedings, and thus have had to and continue to devote considerable time to reviewing the trial court record.

10. Due to my above responsibilities and commitments, though I have devoted substantial time to familiarizing myself with the issues involved in this appeal, I am unable to prepare an answering brief that will be ready for filing by June 27, 2011.

11. In light of my professional responsibilities, I believe an extension of forty-nine days, to August 15, 2011, will be needed to permit me to adequately prepare and file an answering brief in this case.

12. In accordance with Circuit Rule 31-2.2(b)(5), I represent that I have exercised diligence and will file the answering brief within the time requested.

13. On June 2, 2011, I contacted counsel for appellant, Eric Alan Isaacson, to inform him of this motion. He stated that he would not object to the requested extension of time to file the answering brief.

14. In accordance with Circuit Rule 31-2.2(b)(7), the court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 3rd day of June, 2011, at Rancho Palos Verdes, California.

s/ JILL A. MARTIN
JILL A. MARTIN

CERTIFICATE OF SERVICE

Case No. 11-55016

I hereby certify that on June 3, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2011.

s/Jill A. Martin

Jill A. Martin

c/o Trump National Golf Club
One Ocean Trails Drive
Rancho Palos Verdes, CA 90275
Tel: (310) 303-3225
Fax: (310) 265-5522
Email: jmartin@trumpnational.com